

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, MAY 16, 2000  
COUNTY COMMISSIONERS CHAMBERS  
FIRST FLOOR, COUNTY-CITY BUILDING  
1:30 P.M.**

Commissioners Present: Larry Hudkins, Vice Chair  
Bernie Heier  
Linda Steinman  
Bob Workman

Commissioners Absent: Kathy Campbell, Chair

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 9, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Heier moved and Steinman seconded approval of the minutes of the Board of Equalization dated May 9, 2000. Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 41 additions and deductions to the tax assessment rolls per Exhibit A.**

**MOTION:** Workman moved and Heier seconded approval. Heier, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Christian Church in Nebraska  
Faith Apostolic Holiness Church  
Pius X High School  
Sacred Heart Church  
The Salvation Army**

**MOTION:** Steinman moved and Workman seconded approval of motor vehicle tax exemptions for Christian Church in Nebraska, and Pius X High School and to also approve motor vehicle tax exemptions for Faith Apostolic Holiness Church, Sacred Heart Church and The Salvation Army subject to the vehicle(s) being titled and registered to the applicant. Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

The Vice Chair recessed the Board of Equalization meeting until 2:30 p.m. or immediately following the regular Board of Commissioners meeting.

4) **APPEALS FILED ON STATUS OF GREENBELT:**

**Gary F. Steer (4 appeals)**

The Assessor recommended denial of greenbelt status for 1997, 1998 and 1999 for Gary F. Steer (4 appeals).

**MOTION:** Steinman moved and Heier seconded to accept the Assessor's recommendation and deny the four appeals filed on greenbelt status by Gary F. Steer for 1997, 1998 and 1999. Workman, Hudkins, Steinman and Heier voted aye. Motion carried.

5) **ADJOURNMENT**

By direction of the Chair, the Board of Equalization meeting was adjourned.

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Bruce Medcalf  
County Clerk

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Commissioners Absent: Kathy Campbell, Chair

Others Present: Kerry Eagan, Chief Administrative Officer  
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- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 9, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Heier moved and Workman seconded approval of the Board of Commissioners meeting dated May 9, 2000. Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, May 16, 2000.

**MOTION:** Workman moved and Steinman seconded approval. Heier, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

A. The Commissioners Award of Excellence was presented to Marlene Walenta, with Lancaster Manor.

B. County Service Awards were presented to those individuals who have been employed with the County for 10, 15, 20, 25, 30 and 40 years.

- 4) **PUBLIC HEARINGS:**

A. Continuation of a public hearing regarding County Special Permit 178, Little Nemaha Lake Estates Community Unit Plan, requested by Brian D. Carstens & Associates on behalf of De L. Halbert, consisting of nine dwelling units, on property generally located at South 148<sup>th</sup> Street and East Shiloh Road in Lancaster County, Nebraska.

**B. Continuation of a public hearing regarding County Preliminary Plat 00003, Little Nemaha Lake Estates, requested by Brian D. Carstens & Associates on behalf of De L. Halbert, consisting of nine residential lots, one outlot for a lake and one outlot for a private road, on property generally located at South 148<sup>th</sup> Street and East Shiloh Road in Lancaster County, Nebraska.**

The Vice Chair opened the public hearings and asked if anyone wished to provide testimony in favor of the proposals.

The Clerk administered the oath to Brian Carstens.

Brian Carstens, developer and appearing on behalf of De Halbert, stated there are five dwelling units which are inside the one-mile zoning jurisdiction of Bennet and four dwellings units outside Bennet's jurisdiction. He stated the 20 percent density bonus was requested because they are preserving the Natural Resources District (NRD) lake and the other open space is being preserved as natural prairie. Carstens also noted that they are working with the NRD regarding the planting of trees and shrubs in the common spaces.

He said approval has been given by the Lincoln-Lancaster County Planning Department, the Village of Bennet Planning Commission and the Bennet Village Board. As a part of the Bennet approval, Carstens said, there was a request to plant pine trees along Lot Three and at the neighborhood meeting held on May 13<sup>th</sup> another request was made to plant pine trees on Lot Five. They will comply with both requests.

Carstens added that language will be included in the protective covenants, purchase agreements, deed restrictions and in the Community Unit Plan regarding the issue that future lot owners recognize that they are living in an agriculture environment and that they will be subject to smell, noises and dust and that they cannot file frivolous lawsuits against such farmers.

Carstens further stated that they can, by right, create ten acre lots in the "AG" Agriculture district and create 12 dwelling units.

In response to a question asked by Steinman regarding the planting of pine trees, Carstens stated that it would screen some of the farming operations.

Steinman asked if anyone voiced opposition at the neighborhood meeting.

Carstens stated that a Bennet Planning Commission member requested that pine trees be planted on Lot Five on behalf of Jim Wissel.

Workman asked how the common land would be managed.

Carstens replied that it would be managed through the homeowner's association.

In response to questions asked by Heier, Carstens stated the Halbert's own the lake and the NRD has an easement on the dam. It was also noted that the NRD will maintain the lake.

The Clerk administered the oath to Don Pepperl.

Don Pepperl, attorney, stated that the lake and commons area would be managed by a conservation easement with the NRD. He also noted they are creating woody habitat to replace woody habitat which was removed from other areas.

The Vice Chair asked if anyone wished to provide testimony in opposition

The Clerk administered the oath to Jim Wissel.

Jim Wissel, 14303 South 141<sup>st</sup> Street, appeared in opposition and stated he has a feedlot west of the proposed development. He stated the development doesn't fit the neighborhood because it is an agricultural community. He stated he is concerned about the retribution of the neighbors living in the development because of odor, noise and dust which is created by a feedlot. Wissel stated feedlot and pasture runoff into the lake are also a concern.

Heier asked Wissel if he was aware that the developer could create more than nine lots if he desired.

Wissel responded yes.

Jennifer Dam, Planning Department, stated that Mike DeKalb, Planning Department, has recommended approval of the project and has worked closely with the applicant and two Planning Commissioners who opposed the proposals.

In response to a request made by Workman regarding additional language to the covenants, Carstens submitted and read the following (Exhibit A) into the record: "It is further the intent of the undersigned declarant and developer of the Little Nemaha Lake Estates that the property be developed and utilized by the members of the association with the understanding that they are living in a rural agricultural environment, and that as members they will conduct themselves in a manner that will ensure peaceful coexistence with adjoining uses, such as the growing of grain crops, the operation of a dairy, and cattle feeding operations. The developer imposes upon the properties a prohibition against interference in the adjoining agricultural uses including, but not limited to, nuisance litigation and complaints with regulatory agencies, except as hereinafter provided. This limitation shall run with the land, and be binding on successor landowners. The legal or equitable landowners of the properties shall be legally limited to objections to uses of and shall indemnify and hold adjoining landowners harmless from attorney's fees, expert witness fees, and court costs incurred in defending the uses of their agricultural properties if a violation of local, state, or federal statutes or regulations is not proven by the objecting landowner."

Dave Johnson, Deputy County Attorney, stated he spoke with Brian Carstens and Mike DeKalb regarding the condition of the Special Permit that the developer authors and includes restrictive covenants that will prohibit future lot owners from litigation against agricultural uses unless otherwise provided by law. These conditions would also include notice to buyers that the covenants exist.

The Vice Chair asked if anyone else wished to testify.

No one appeared and the hearings were closed.

**MOTION:** Steinman moved and Workman seconded approval of County Special Permit 178 and County Preliminary Plat 00003, Little Nemaha Lake Estates, with language as proposed by the County Attorney's Office that the developer authors and includes restrictive covenants prohibiting future lot owners from litigation against agricultural uses unless otherwise provided by law, to provide notice to individuals purchasing lots that the covenants exist and to include a provision regarding junk vehicles. Hudkins, Steinman, Workman and Heier voted aye. Motion carried.

5) **OLD BUSINESS:**

**Response to approval request numbers one and two on the Lancaster County Juvenile Detention Center Project; proposal request one, in the amount of \$6,754, to remove an existing tree grouping and proposal request two, in the amount of \$15,549, for additional grading on the south lot line. (M-00-33)**

Kerry Eagan, Chief Administrative Officer, stated the work is progressing and there has been movement on the price. He added that Chris Beardslee, Sinclair Hille, would attend the May 25<sup>th</sup> staff meeting to update the County Board regarding negotiations.

He suggested a two week continuance or removing the item from the agenda.

By direction of the Chair, the item was deferred for two weeks to Tuesday, May 30, 2000.

6) **NEW BUSINESS:**

**A. An application for a Special Designated License from Crooked Creek Golf Club, located at 134<sup>th</sup> and "O" Streets, to hold a golf outing on Sunday, May 21, 2000 from 8 a.m. to 12 p.m.**

**MOTION:** Steinman moved and Workman seconded approval. Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

- B. An application for a Special Designated License from Prairie Fare Inc. dba/P. O. Pears to have a food and beverage service outside for additional seating at Rasmussens on the Lake LLC dba/P. O. Pears on the Lake, located at 10005 West Davey Road, beginning Thursday, May 25 through Monday, May 29<sup>th</sup> from 11 a.m. to 11 p.m.**

Bob Jorgenson, representing P.O. Pears, appeared to answer questions from the County Board.

Hudkins reminded Jorgenson that an establishment is allowed six days per year to have an outside event.

Jorgenson stated Prairie Fare is going to buy out Rasmussens and then they will apply for a liquor license.

Jorgenson also stated they are aware of the Health Department's concerns and that they will be addressed.

**MOTION:** Steinman moved and Heier seconded approval. Heier, Workman, Steinman and Hudkins voted aye. Motion carried.

- C. An agreement with Spectrum Psychology Associates to provide a complete evaluation of youth identified by the Office of Juvenile Services and Lancaster County Juvenile Court, in the amount of \$1,500 per evaluation, beginning April 20, 2000 and ending July 1, 2000. (C-00-235)**

**MOTION:** Heier moved and Steinman seconded approval of an agreement with Spectrum Psychology Associates subject to Attachment B, paragraph four being retyped to reflect that the "evaluations must be completed and written report submitted within 7 working days of initial intake of the child". Steinman, Hudkins, Heier and Workman voted aye. Motion carried.

- D. An agreement with SouthPointe Family Resource Center to provide a complete evaluation of youth identified by the Office of Juvenile services and Lancaster County Juvenile Court, in the amount of \$1,500 per evaluation, beginning April 20, 2000 and ending July 1, 2000. (C-00-236)**

**MOTION:** Steinman moved and Heier seconded approval of an agreement with SouthPointe Family Resource Center subject to Attachment B, paragraph four being retyped to reflect that the "evaluations must be completed and written report submitted within 7 working days of initial intake of the child". Workman, Hudkins, Steinman and Heier voted aye. Motion carried.

- E. **A contract with D. O. S. Properties in which the County will let bids and contract for the paving of approximately 1,200 feet of Arbor Road near Highway 77. The contract will extend the work on Project C-55-G-408(2) and D. O. S. Properties will pay an estimated \$45,000 for the work. (C-00-237)**

**MOTION:** Workman moved and Steinman seconded approval. Hudkins, Workman, Heier and Steinman voted aye. Motion carried.

- F. **An agreement with Educational Service Unit 18 to provide the Lancaster County Juvenile Detention Center with educational instruction and support staff for youth detained at the Center, beginning August 14, 2000 and ending June 30, 2001. The County will reimburse ESU 18 up to \$490,992. (C-00-239)**

Hudkins stated that the County is reimbursed by the State.

**MOTION:** Workman moved and Steinman seconded approval. Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

- G. **A contract with Derek Grimmell, PhD., to provide specialized psychological services at the Community Mental Health Center for up to and no more than 15 hours per week, at a rate of \$65 per hour. (C-00-240)**

**MOTION:** Steinman moved and Heier seconded approval. Hudkins, Steinman, Heier and Workman voted aye. Motion carried.

- H. **An agreement with Dwight Johnson & Associates, in the amount of \$8,000, for appraisal services in connection with the acquisition of right-of-way for Project C55-N-404(1), West Denton Road, Southwest 140<sup>th</sup> Street-Denton. (C-00-252)**

**MOTION:** Workman moved and Steinman seconded approval. Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- I. **An agreement with Dwight Johnson & Associates, in the amount of \$9,525, for appraisal services in connection with the acquisition of right-of-way for Project C-55-S-405(1), South 54<sup>th</sup> Street, Roca Road to Saltillo Road. (C-00-251)**

**MOTION:** Workman moved and Steinman seconded approval. Heier, Steinman, Hudkins and Workman voted aye. Motion carried.

- J. **An agreement with Lincoln Action Program for an individual plan of structure for youth who are not able to be placed in Day Reporting Centers. Term of the contract is January 1, 2000 through August 31, 2000 and the County will pay a rate of \$35 per day, not to exceed a total of \$875. (C-00-250)**

**MOTION:** Steinman moved and Workman seconded approval. Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

- K. **An interlocal agreement with the City of Lincoln to build a bicycle/pedestrian bridge in Wilderness Park over Salt Creek, between Pioneers Boulevard and Old Cheney Road. The County will pay an amount not to exceed \$100,000. (C-00-249)**

**MOTION:** Steinman moved and Workman seconded approval.

Workman stated he would feel more comfortable if the agreement were approved subject to the County paying an amount not to exceed \$100,000 or the amount of the bid, whichever is lower.

The maker of the motion concurred with the amended language.

Hudkins stated the monies comes from the Keno fund and are not property tax dollars.

**ROLL CALL:** Workman, Hudkins, Steinman and Heier voted aye. Motion carried.

- L. **Contracts with the following for weed control services for the Noxious Weed Control Authority, at rates as listed in the bidding schedule:**

- \* **"All Care" (Jacox) Grounds Management (C-00-244)**
- \* **Best Kept Lawn Care (C-00-245)**
- \* **Eden Lawn Care & Tree Service (C-00-243)**

**MOTION:** Steinman moved and Workman seconded approval. Hudkins, Steinman, Workman and Heier voted aye. Motion carried.

- M. **Recommendation from the Purchasing Agent and the Bid Review Committee to ratify contracts with the following for the listed "Unit Price" proposals for the City, County and Public Building Commission in relation to small emergency and routine maintenance and repair of facilities (under \$25,000), beginning May 1, 2000 and ending April 30, 2001:**

**Plumbing Services**

Ryan & Associates Inc  
(C-00-210)  
Bob & Don's Plumbing  
(C-00-209)  
Natkin Service Company  
(C-00-206)

**HVAC Services**

Capitol Heating & Air Conditioning Inc  
(C-00-221)  
John Henry's Plumbing & HVAC (C-00-213)  
Natkin Service Company (C-00-204)

**Roofing Services**

Midwest Roofing Inc  
(C-00-215)  
American Roofing  
Improvements (C-00-211)  
Sprague Roofing Company  
(C-00-212)

**General Construction**

Ayars & Ayars Inc (C-00-218)  
David Wood Construction (C-00-217)  
Dickey & Burham Inc (C-00-219)

**Demolition Services**

Midwest Demolition Co  
(C-00-214)  
Kobus Earth Moving  
(C-00-220)  
Hansen Construction  
(C-00-216)

**Painting Services**

A.A. Leupold & Sons (C-00-205)  
Kaser Painting Inc (C-00-222)

**Electrical Services**

Hy-Electric Inc (C-00-207)  
Gregg Electric Company  
(C-00-208)

**Fencing Services**

American Fence Company (C-00-203)

**MOTION:** Steinman moved and Workman seconded approval.

Dave Johnson, Deputy County Attorney, stated he drafted an addendum indicating that in an emergency situation the County would be allowed to use other contractors if the designated contractor were unavailable. He also added that the insurance language should be amended to read "owners" instead of "City of Lincoln".

It was the consensus of the County Board to amend the motion to approve the contracts subject to the execution of addendums by all parties to the contracts.

**ROLL CALL:** Steinman, Workman, Hudkins and Heier voted aye. Motion carried.

**N. A resolution in the matter of County maintenance of roads in North Rim Estates 1<sup>st</sup> Addition. (R-00-53)**

**MOTION:** Heier moved and Workman seconded approval of Resolution 00-53. Heier, Workman, Hudkins and Steinman voted aye. Motion carried.

**O. A resolution authorizing the installation/replacement of the following traffic signs in Lancaster County, Nebraska: (R-00-52)**

- \* **Install "Dirt Road" signs on West Rokeby Road, one east of Southwest 84<sup>th</sup> Street for eastbound traffic and one west of Southwest 70<sup>th</sup> Street for westbound traffic.**
- \* **Install a large arrow sign at the intersection of West Vine Street and Northwest 91<sup>st</sup> Street for northbound traffic turning left.**
- \* **Install a double arrow sign at the intersection of Southwest 40<sup>th</sup> Street and West "F" Street for eastbound traffic.**
- \* **Install a "Dirt Road" sign on Northwest 12<sup>th</sup> Street south of West McKelvie Road for southbound traffic.**
- \* **Replace the "Advance Railroad" warning sign with an "Advance Railroad" cross road sign, as provided in Exhibit "A", on First Street in Raymond, northbound, approaching Raymond Road.**

**MOTION:** Heier moved and Steinman seconded approval of Resolution R-00-52. Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

**P. Authorization of National Bank of Commerce, as Trustee, to disburse \$240,678.90 from the juvenile detention center bond proceeds to Cheever Construction Company for payment application number three for the new Lancaster County Juvenile Detention Center. (M-00-41)**

**MOTION:** Steinman moved and Heier seconded approval. Heier, Workman, Steinman and Hudkins voted aye. Motion carried.

**Q. A salary increase for Owen K. Yardley, Deputy Sheriff, from Sergeant to Captain, at an annual salary of \$53,500, effective May 17, 2000.**

**MOTION:** Heier moved and Steinman seconded approval. Steinman, Hudkins, Heier and Workman voted aye. Motion carried.

**R. Request from Lenee Schamberger, an employee with Lancaster Manor, to voluntarily participate in the Lancaster County Retirement Plan. (M-00-39)**

**MOTION:** Workman moved and Steinman seconded approval. Workman, Hudkins, Steinman and Heier voted aye. Motion carried.

**S. Request from Camelia J. Amen, an employee with the Lancaster County Assessor's Office, to voluntarily participate in the Lancaster County Retirement Plan. (M-00-40)**

**MOTION:** Steinman moved and Workman seconded approval. Hudkins, Workman, Heier and Steinman voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of commissioners. These items are approval of:

**A. Receive and Place on File:**

1. County Engineer's amended statement of monies for July through December, 1999 and January through March, 2000.
2. Noxious Weed Control Authority's Monthly Report for April 2000.
3. Records and Information Management's Monthly Report for April, 2000.
4. Register of Deeds Monthly Report for April, 2000.
5. Sheriff's Report of Fees for April, 2000.

**B. Setting of public hearings for Tuesday, May 30, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:**

1. Adoption of the 1997 edition of the Uniform Mechanical Code, the 1997 edition of the Uniform Building Code and the 1999 edition of the Electrical Code and adoption of fee schedules for mechanical, gas piping, electrical, plumbing, building, plan review, insulation and zoning review in Lancaster County.
2. Amending Article I, Section 3(A) of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards.

**C. Maintenance agreements with the following:**

- \* Microfilm Imaging Systems, in the amount of \$865, for a microfilm camera located in the Clerk of the District Court's Office. Term of the agreement is April 1, 2000 through March 31, 2001. (C-00-248)
- \* Microfilm Imaging Systems, in the amount of \$650, for a microfilm reader/printer located in the County Clerk's Office. Term of the agreement is May 31, 2000 through May 31, 2001. (C-00-202)
- \* JJE, Inc., in the amount of \$950, for a check endorsing machine and a microfilm camera located in the County Treasurer's Office. Term of the agreement is May 25, 2000 through May 24, 2001. (C-00-246 & C-00-247)
- \* Solutions, in the amount of \$621.60, for a photocopier located in the Corrections Department. Term of the agreement is May 4, 2000 through May 4, 2001. (C-00-238)

**D. Rights-of-way contracts relating to road improvements between the County Engineer and the following:**

- \* **Richard and Susan Meranda at South 25<sup>th</sup> Street and Martell Road; Project C.P. S-265. This is a land donation. (C-00-242)**
- \* **Roberta S. Pfister at North 176<sup>th</sup> Street and Alvo Road; Project C.P. H-200. This is a land donation. (C-00-241)**

Heier requested that Consent Item 7C be held for one week for further review.

**MOTION:** Steinman moved and Heier seconded approval of the Consent Items with the exception of Item C which was held for one week. Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

8) **ADJOURNMENT**

**MOTION:** Workman moved and Steinman seconded adjournment of the Board of Commissioners meeting. Hudkins, Steinman, Heier and Workman voted aye. Motion carried.

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Bruce Medcalf  
County Clerk